

VZCZCXRO2112
PP RUEHCHI RUEHDT RUEHHM
DE RUEHML #5914 3550921
ZNR UUUUU ZZH
P 210921Z DEC 05
FM AMEMBASSY MANILA
TO RUEHC/SECSTATE WASHDC PRIORITY 8115
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS
RUEAWJA/DOJ WASHDC
RHEHNSC/NSC WASHDC
RUEAIIA/CIA WASHDC
RUEAHLA/DHS WASHINGTON DC

UNCLAS MANILA 005914

SIPDIS

SENSITIVE
SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, INR/EAP, INR/B
DEPT PLEASE PASS TO USAID ANE/TS - L. SAULS

E.O. 12958: N/A

TAGS: [PGOV](#) [KCOR](#) [PREL](#) [ECON](#) [EAID](#) [ETRD](#) [PINR](#) [RP](#)
SUBJECT: PRESIDENT ARROYO APPOINTS NEW SUPREME COURT CHIEF JUSTICE

REF: A. MANILA 5806

[1B](#). MANILA 5688
[1C](#). MANILA 5012

[11](#). (SBU) Summary: On December 20, President Arroyo appointed Associate Justice Artemio V. Panganiban, 69, as the next Chief Justice of the Supreme Court of the Philippines. Panganiban is a well-respected, articulate jurist and is expected to continue the judicial reforms begun by his predecessor, Hilario Davide, Jr. His tenure will be brief, however, because he will be forced to step down a year from now when he reaches the mandatory retirement age of 70. End Summary.

[12](#). (U) President Arroyo appointed Artemio V. Panganiban as the 21st Chief Justice of the Philippine Supreme Court on December 20. Arroyo chose Panganiban from a list of three current associate justices submitted by the Judicial and Bar Council (JBC) -- a presidentially-appointed advisory group -- on December 2 (ref A). Panganiban's appointment came as a surprise to some because, in giving the nod to Panganiban, President Arroyo passed over the most senior judge on the Supreme Court, Associate Justice Reynato Puno (who is also well-regarded).

[13](#). (U) Born to impoverished parents, Panganiban attended public schools before earning a law degree from Manila's Far Eastern University. He is married to Elenita Carpio Panganiban, a professor and former associate dean at the Asian Institute of Management. After teaching law and serving as the President of the "Philippine Daily Inquirer" newspaper (a Manila-based English-language daily), Panganiban joined the Supreme Court in 1995, when then-President Fidel V. Ramos appointed him associate justice. He gained some notoriety in 2001 when he helped convince Chief Justice Hilario Davide, Jr., to swear then-Vice President Gloria Macapagal Arroyo in as the country's new President during the "EDSA II" uprising against former President Joseph Estrada. (Note: Panganiban later recused himself from a Supreme Court vote upholding the legality of Arroyo's assumption of office. End Note.)

[14](#). (U) Panganiban is known as an articulate, prolific writer and has written over 1,000 decisions for the Supreme Court, as well as a book every year since 1995. He is the member of the Supreme Court most closely associated with the judicial reform initiatives of former Chief Justice Davide and is a major proponent of computerization of the judiciary. In a December 2004 high-profile case, Panganiban

penned a mammoth 270-page decision upholding the constitutionality of the Philippine Mining Act, effectively clearing the way for additional foreign investment in the mining sector.

15. (U) The selection process for the new Chief Justice was quick and uneventful. The JBC listened to a week of public comments in November before submitting a list to the President of the three most senior associate justices on the Supreme Court. Arroyo wasted no time in filling the position, announcing her decision the day after outgoing Chief Justice Hilario G. Davide, Jr., retired. A USAID-funded project called "Supreme Court Appointments Watch" coordinated with Philippine NGOs to conduct public information campaigns and to encourage greater public participation in the appointment process.

16. (U) Because of his age, however, his tenure will be brief. Panganiban will turn 70 (the mandatory age of retirement) on December 7, 2006. At that time, he will be required to step down from the bench and the selection process for the next Chief Justice will begin again.

17. (SBU) Comment: Panganiban is generally well-respected as an accomplished and thoughtful jurist. He has said he will continue Davide's reform initiatives aimed at reducing the backlog of cases, hiring more judges, and removing corrupt officials. Reaction to his appointment has basically been positive. That said, Opposition elements are already beginning to assert that he was chosen by Arroyo because she believes he supports her administration and she might need his help on key cases in the coming year.

JONES